

REMARKS

Initially, applicant would like to thank Examiner Sirmons for the helpful and courteous interview extended to applicant's undersigned representative on May 16, 2006. Examiner Sirmons advised the undersigned that he would not be examining this application in the future since he was now a supervisory primary examiner. However, Mr. Sirmons agreed to discuss possible amendments to the claims to overcome the rejection in the Final Action dated February 3, 2006, of claims 1, 3-8 and 10-12 as being anticipated under 35 U.S.C. 102(b) by Gollobin et al., U.S. Patent No. 5,330,438 (hereinafter: "Gollobin"). The undersigned understood that Examiner Sirmons could not make any agreements regarding the allowability of the claims if amended as proposed and that the filing of an RCE was required to make any amendments to the claims.

In the Final Action, the Office is taking the position that the limitation "the shallow V shape or arched shape slit of the distal end portion being arranged to extend in a direction that is not parallel to the axial direction of the main body" recited in claim 1 as amended in the response filed November 15, 2005, to the first Action reads on the distal end of the protective sheath shown in Figs. 4, 7 and 8 of Gollobin. It is clear from the drawings of

the present application, however, that the protector sheath of the present invention is structurally different than the protective sheath of Gollobin. The telephone interview was conducted with Mr. Sirmons to determine possible claim language that would precisely define the protector sheath of the present invention and not read on the protective sheath of Gollobin.

Three proposals for amendments to claim 1 were discussed with Mr. Sirmons. The amendments to claim 1 above correspond to the third proposal. Amended claim 1 recites that the at least three slits provided in a side wall "divid[e] the side wall into a corresponding number of sections" and that each slit has "a curved distal end portion having a shallow V shape or an arched shape formed by a V shape or an arched shape convex portion in one of said sections and a V shape or an arched shape concave portion in an adjacent section". The V shape or arched shape convex portion in one of the sections and V shape or an arched shape concave portion in an adjacent section are illustrated in Figs. 1-4 and form distal end portion 32.

New claims 13 and 14 have also been added to the application as alternative definitions of the protector sheath of the present invention. Claim 13 corresponds to claim 1 as amended in the response filed November 15, 2005, except that claim 13 recites that

each of the slits has a curved distal end portion having a shallow V shape or an arched shape.

Claim 14 corresponds substantially to claim 1 as amended in the response filed November 15, 2005, except that claim 14 recites that the protector sheath comprises a cylindrical main body having a distal end and a proximal end, that each of the at least three slits opens at the distal end of the main body, and that each slit comprises a curved distal end portion on a proximal side of the opening of the slit.

Claims 13 and 14 are believed to be properly supported by the drawings and four corners of the specification of the present application.

The protector sheath disclosed in amended claim 1 and new claims 13 and 14 differ from the protective sheath disclosed in Gollobin in that each of the slits of the protector sheath of the present invention (provided on the proximal side of the opening of each of the slits) is curved and has a shallow V shape or an arched shape portion which can receive the blade edge 53 of the needle tube 52 when a winged needle is accommodated in the protector. The shallow V shape or arched shape portion of the slit 3 extends in a direction that is not parallel to the axis of the protector 1 and,

therefore, there is no fear of the blade edge 53 of the winged needle 5 accommodated in the protector sticking out of the slit 3.

On the other hand, each of the slits of the protective sheath of Gollobin (on the proximal side of the opening of each of the slits) is straight and cannot prevent the sticking out of the blade edge from the slit (such as described in paragraph [0004] of the present application).

For the above reasons, the protector sheath of the present invention is neither anticipated nor rendered obvious by the protective sheath of Gollobin.

Removal of the 35 U.S.C. 102(b) rejections of the claims and a notice of allowability is believed to be in order and is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated February 3, 2006.

In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

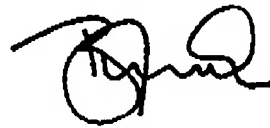
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In the event any additional fees are required, please also
charge our Deposit Account No. 111833.

Respectfully submitted,

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